

**BOARD FOR
THE CONDEMNATION OF INSANITARY BUILDINGS**

NOTICE OF PUBLIC INTEREST

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
1205 Clifton Street	40	2865	1
1405R Crittenden Street-Rear	823	2706	4
412 Delafield Place	175	3251	4
1123 Fairmont Street-Rear	46	2859	1
617 Farragut Street	106	3212	4
1304 Farragut Street	41	2807	4
519 Florida Avenue	35	3093	1
521 Florida Avenue	26	3093	1
3200 Georgia Avenue	909	2892	1
3203 Georgia Avenue	809	3042	1
5627-5631 Georgia Avenue	039	2991	4
4820 Iowa Avenue	30	2709	4
425 Irving Street-Rear	64	3049	4
535 Irving Street	31	3048	1
535 Irving Street-Rear	31	3048	1
470 K Street	44	516	2
636 Kenyon Street	145	3047	1
636 Kenyon Street-Rear	145	3047	1
1217 Kenyon Street	117	2844	1
1331 Kenyon Street	47	2843	1
503 Longfellow Street	50	3206	4
718 Marietta Place	43	3155	4
4001 Marlboro Place	48	3313	4
1021 Monroe Street	74	2832	1
1824 Monroe Street	813	2614	1
1342 Montague Street	46	2796	4
1342 Montague Street-Rear	46	2796	4
3500 Nebraska Avenue	24	1599	3
3526 New Hampshire Ave	91	2614	1
1424 North Capitol Street	10	616	5
1424 North Capitol Street-Rear	10	616	5
4922 North Capitol Street	67	3401	4
505 O Street	36	479	5
507 O Street	37	479	5
509 O Street	2001/2002	479	5
820 Otis Place	119	2895	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (cont'd)</u>			
88-88 1/2 P Street	825	616	2
219 P Street	833	475	5
3245 Patterson Street-Rear	25	2021	4
1000 Park Road	39	2841	1
1424 Parkwood Place	46	2688	1
753 Quebec Place-Rear	170	3031	1
936 Quincy Street	92	2901	4
50 R Street-Rear	31	3101	5
403 R Street	801	0507	5
501 Rhode Island Avenue	33	475S	2
1000 Rhode Island Avenue	19	337	2
1427 Rhode Island Avenue	27	210	2
1429 Rhode Island Avenue	28	210	2
735 Rock Creek Church Road-Rear	58	3130	4
1355 Shepherd Street	45	2823	4
1421 T Street-Rear	845	205	1
531 U Street	37	3079	2
533 U Street	38	3079	2
901-01 U Street	88	360	1
903 U Street, NW	89	360	1
131 Varnum Street	803	3321	4
911 W Street	067	0357	1
1305 Wallach Place	169	237	1
3224 Warder Street-Rear	13	3046	1
1831 Wiltberger Street	849	9441	1
1227 1 st Street	9	618	5
1202 3 rd Street	837	523	2
1419 3 rd Street	60	553	2
5311 3 rd Street-Rear	6	3328	4
1716 4 th Street	803	507	5
1809 4 th Street	17	3095	1
1416 5 th Street	26	479	2
3927 5 th Street	78	3237	4
4109 5 th Street	47	3241	4
4403 5 th Street	12	3247	4
4409 5 th Street	15	3247	4
1104 6 th Street	859	449	2
1134 6 th Street	30	449	2
1539 7 th Street	179	445	2
1503 9 th Street	29	397	2
4428 9 th Street-Rear (Addition)	34	3020	4
1513-1515 11 th Street	815	337	2
1513-1515 11 th Street-(Rear)	815	337	2
1725 11 th Street	805	0335	2

BUILDINGS CONDEMNED**LOT****SQUARE****WD****Northwest (cont'd)**

2219 13 th Street	86	271	1
5008 13 th Street	53	2806	4
5008 13 th Street-Rear	53	2806	4
3564 14 th Street	24	2688	1
5310 14 th Street	13	2716	4
3222 19 th Street-Rear	817	2604	1
1617 21 st Street	136	93	2

BUILDINGS CONDEMNED**LOT****SQUARE****WD****Northeast**

2301 Bladensburg Road	41	4359	5
207 C Street-Rear	847	757	6
1848 Central Place	39	4047	5
3042 Clinton Street	826	4319	5
1820 Corcoran Street	18	4049	5
600 Division Avenue	13	5196	7
1717 E Street	143	4546	6
1721 E Street	144	4546	6
5900 Foote Street,	805	5256	7
1229 Franklin Street	20	336	5
1653 Gales Street	182	4540	6
1655 Gales Street	183	4540	6
914 H Street	63	933	6
303 K Street	804	775	6
25 Michigan Avenue	48	3500	5
1118 Montello Avenue	71	4070	5
1125 Morse Street	140	4070	5
1136 Morse Street	055	4065	5
1916 Newton Street	118	4202	5
2422 Otis Street-Rear	48	4298	1
52 Q Street	105	3520	5
58 Q Street	102	3250	5
50 RI Avenue-Rear	3	3508	5
1515 Rhode Island Avenue	43	4131	5
1515 Rhode Island Avenue-Rear	43	4131	5
115 Riggs Road	85	3701	5
4310 Sheriff Road	819	5097	7
4326 Sheriff Road	831	5097	7
1741 Trinidad Avenue	26	4082	5
142 Webster Street	42	3668	4
1020 3 rd Street	34	749	6
1022 3 rd Street	33	749	6
2407 3 rd Street	28	3555	5

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast</u>			
608 8 th Street	45	891	6
914 9 th Street	45	910	6
4100 13 th Street	24	Par 146	5
3122 16 th Street	39	4014	5
4413 16 th Street	5	4617	5
1234 18 th Place	811	4445	5
1236 18 th Place	811	4445	5
913 43 rd Place	47	5096	7
1044 44 th Street	70	5125	7
919 47 th Street	119	5151	7
945 52 nd Street	803	5199	7
234 56 th Street	144	5250	7
306 57 th Place	84	5247	7
310 57 th Place	84	5247	7
314 57 th Place	87	5247	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
4427 A Street	107	5350	7
3608 Alabama Avenue	823	5668	7
3608 Alabama Avenue-Rear (North)	823	5668	7
3608 Alabama Avenue-Rear (South)	823	5668	7
27 Atlantic Street	54	6170	8
5050 B Street	28	5326	7
5034 Bass Place	25	5325	7
4926 Call Place	33	5336	7
4030 Call Place	32	5336	7
5000 Call Place	35	5323	7
420 Chesapeake Street-Rear	808	6165	8
422 Chesapeake Street-Rear	809	6165	8
1720 D Street	87	1100	6
1229 E Street	816	1019	6
3326 Ely Place	807	5444	6
1254 Half Street	99	0701	6
1260 Half Street	144	0701	6
1415 Morris Road	50	5809	6
1348 Penn. Avenue	7	1044	6
2329 Q Street	56	5587	6
1219 Sumner Road	979	5865	8

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (cont'd)</u>			
1242 W Street	99	5782	8
4001 4 th Street	39	6167	8
4005 4 th Street	40	6167	8
102 9 th Street	801	0943	6
2105 13 th Street	681	5782	6
3403 15 th Street	28	5917	8
333 16 th Street	82	1074	6
20 53 rd Place	884	5284	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southwest</u>			
71 Forrester Street	67	6240	8
73 Forrester Street	68	6240	8

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs pursuant to D.C. Law 2-144, effective March 3, 1979-, "**The Historic Landmark and District Protection Act of 1978**" hereby gives notice that the addresses listed below, as requested permission to demolish, altar, sub-divide or erect new structures at the following location(s):

Application Date	Address	Lot	Square	Use
10/10/03	3700 "O" Street, NW	1	1321	Chiller plant
	2908 "N" Street, NW	19	1211	Foundation
	2912 "N" Street, NW	18	1211	Brick wall
10/14/03	3104 Q Street, NW	66	1270	Fence
	3032 Dent Place, NW	227	1292	Fence
	1614 34 th Street, NW	204	1277	S/F Add
	1322 30 th Street, NW	833	1242	Fence
10/15/03	1324 30 th Street, NW	834	1242	Fence

**DEPARTMENT OF CONSUMER AND REGULATORY
AFFAIRS****NOTICE OF PUBLIC INTEREST**

Forwarded for your information is a weekly listing of raze permit application filed with the Permit Service Center of the Building and Land Regulation Administration, requesting a permit to raze listed structures with the District of Columbia.

Application Date	Address	Lot	Square	Use
10/9/03	1044 48 th Place, NE	35	5153	2-Story SFD
	153 & 157 Danbury Street, SW	21	6201	2-Story Apartments

District of Columbia
BOARD OF ELECTIONS AND ETHICS

Monthly Report
of
VOTER REGISTRATION STATISTICS
as of

AUGUST 31, 2003

Covering Citywide Totals by:

WARD, PRECINCT, and PARTY

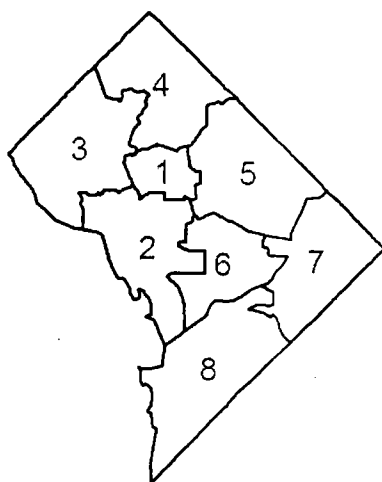
One Judiciary Square
441 - 4th Street, NW, Suite 250N
Washington, DC 20001
(202) 727-2525
<http://www.dcboee.org>

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

CITYWIDE SUMMARY

Party Totals and Percentages by Ward for the period ending August 31, 2003

WARD	DEM	REP	STG	N-P	OTH	TOTALS
1	27,193	2,152	978	6,967	201	37,491
2	22,933	4,910	457	7,674	135	36,109
3	27,949	7,626	377	8,178	75	44,205
4	40,546	2,391	608	6,069	180	49,794
5	38,406	1,669	608	5,317	163	46,163
6	32,539	3,940	592	6,238	152	43,461
7	36,379	1,301	465	4,613	133	42,891
8	28,369	1,237	524	4,123	119	34,372
TOTALS	254,314	25,226	4,609	49,179	1,158	334,486
<i>TOTAL Percentage (by party)</i>	<i>76.0%</i>	<i>7.5%</i>	<i>1.4%</i>	<i>14.7%</i>	<i>0.3%</i>	<i>100.0%</i>

Ward Index

PRECINCT STATISTICS

For the Period Ending: August 31, 2003

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
20	1,105	29	18	219	31	1,402
22	1,583	148	49	334	13	2,127
23	1,132	62	52	320	12	1,578
24	1,559	180	42	413	10	2,204
25	2,847	417	98	786	12	4,160
35	2,349	206	106	664	14	3,339
36	2,355	155	98	552	14	3,174
37	2,288	108	41	537	30	3,004
38	1,847	94	47	387	8	2,383
39	2,328	199	136	695	11	3,369
40	2,395	186	134	733	18	3,466
41	1,933	114	72	547	10	2,676
42	1,192	43	24	281	9	1,549
43	1,124	57	28	199	4	1,412
136	599	119	12	190	1	921
137	557	35	21	110	4	727
TOTALS	27,193	2,152	978	6,967	201	37,491

PRECINCT STATISTICS

For the Period Ending: August 31, 2003

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
<i>2</i>	379	118	8	214	3	722
<i>3</i>	989	416	7	432	6	1,850
<i>4</i>	810	289	12	380	6	1,497
<i>5</i>	1,764	652	21	627	5	3,069
<i>6</i>	2,458	1,289	50	1,624	18	5,439
<i>13</i>	981	288	9	344	4	1,626
<i>14</i>	2,126	425	42	657	9	3,259
<i>15</i>	2,273	321	44	606	16	3,260
<i>16</i>	1,807	227	41	437	11	2,523
<i>17</i>	2,575	381	58	773	15	3,802
<i>18</i>	2,678	157	74	597	13	3,519
<i>21</i>	1,098	58	32	214	6	1,408
<i>129</i>	1,228	87	20	271	11	1,617
<i>141</i>	1,767	202	39	498	12	2,518
TOTALS	22,933	4,910	457	7,674	135	36,109

PRECINCT STATISTICS

For the Period Ending: August 31, 2003

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
7	896	382	9	368	4	1,659
8	2,004	743	26	577	5	3,355
9	783	585	8	345	3	1,724
10	1,450	586	11	515	9	2,571
11	2,436	722	60	981	11	4,210
12	435	183	4	144	2	768
26	2,101	467	29	647	2	3,246
27	1,981	307	29	423	5	2,745
28	1,880	701	19	632	4	3,236
29	934	242	23	260	3	1,462
30	1,021	279	10	230	2	1,542
31	1,830	393	20	456	8	2,707
32	2,179	401	29	502	4	3,115
33	2,221	401	39	563	6	3,230
34	2,555	542	34	772	4	3,907
50	1,669	320	19	359	3	2,370
138	1,574	372	8	404		2,358
TOTALS	27,949	7,626	377	8,178	75	44,205

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 4

For the Period Ending: August 31, 2003

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
45	1,808	75	36	283	12	2,214
46	2,465	74	40	371	19	2,969
47	2,066	134	38	421	12	2,671
48	2,406	136	43	355	15	2,955
49	587	30	14	114	2	747
51	2,804	595	27	566	6	3,998
52	1,087	261	8	214	1	1,571
53	969	78	16	188	5	1,256
54	1,849	112	41	328	16	2,346
55	2,192	83	30	298	10	2,613
56	2,674	68	36	398	9	3,185
57	2,218	75	32	319	14	2,658
58	2,024	47	30	264	8	2,373
59	2,344	70	38	305	9	2,766
60	1,537	77	34	329	6	1,983
61	1,388	55	16	168	3	1,630
62	2,940	169	34	306	6	3,455
63	2,634	113	56	367	10	3,180
64	2,141	72	18	226	5	2,462
65	2,413	67	21	249	12	2,762
TOTALS	40,546	2,391	608	6,069	180	49,794

OCT 24 2003

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 5

For the Period Ending: August 31,2003

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
<i>19</i>	2,647	129	83	476	5	3,340
<i>44</i>	2,120	198	38	423	16	2,795
<i>66</i>	3,992	98	31	375	16	4,512
<i>67</i>	2,703	104	22	310	12	3,151
<i>68</i>	1,669	154	32	263	8	2,126
<i>69</i>	1,994	80	16	193	9	2,292
<i>70</i>	1,304	60	27	194	2	1,587
<i>71</i>	2,255	74	34	290	10	2,663
<i>72</i>	3,152	86	39	423	10	3,710
<i>73</i>	1,550	72	27	252	6	1,907
<i>74</i>	2,899	164	44	437	15	3,559
<i>75</i>	2,202	95	47	362	13	2,719
<i>76</i>	524	23	10	77	5	639
<i>77</i>	2,230	86	36	314	10	2,676
<i>78</i>	1,882	58	35	257	6	2,238
<i>79</i>	1,539	61	28	212	5	1,845
<i>135</i>	2,185	102	51	350	11	2,699
<i>139</i>	1,559	25	8	109	4	1,705
<i>TOTALS</i>	38,406	1,669	608	5,317	163	46,163

PRECINCT STATISTICS

For the Period Ending: August 31, 2003

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
<i>1</i>	2,129	121	45	368	9	2,672
<i>81</i>	3,709	208	57	522	21	4,517
<i>82</i>	1,997	128	34	327	8	2,494
<i>83</i>	2,441	144	51	425	15	3,076
<i>84</i>	1,678	344	31	371	10	2,434
<i>85</i>	2,034	443	41	481	8	3,007
<i>86</i>	1,815	189	26	315	7	2,352
<i>87</i>	2,099	116	45	327	13	2,600
<i>88</i>	1,712	242	26	328	4	2,312
<i>89</i>	2,018	602	37	524	7	3,188
<i>90</i>	1,144	184	16	276	5	1,625
<i>91</i>	2,829	236	61	559	17	3,702
<i>127</i>	2,808	247	56	483	9	3,603
<i>128</i>	1,208	111	25	266	5	1,615
<i>130</i>	1,070	427	23	308	4	1,832
<i>131</i>	689	36	11	98	3	837
<i>142</i>	1,159	162	7	260	7	1,595
<i>TOTALS</i>	32,539	3,940	592	6,238	152	43,461

D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 7*For the Period Ending: August 31, 2003*

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
80	1,127	39	15	151	6	1,338
92	1,152	53	19	150	7	1,381
93	1,105	50	13	144	4	1,316
94	1,487	64	18	178	5	1,752
95	1,171	21	20	176	2	1,390
96	1,604	63	23	227	3	1,920
97	840	32	18	118	1	1,009
98	1,406	36	15	158	8	1,623
99	948	40	16	143	6	1,153
100	1,163	48	24	173	4	1,412
101	1,383	34	10	151	8	1,586
102	1,719	57	14	187	7	1,984
103	2,557	87	32	350	9	3,035
104	1,814	65	23	250	7	2,159
105	1,680	66	33	194	3	1,976
106	2,429	77	32	268	7	2,813
107	1,077	45	19	169	2	1,312
108	1,029	45	6	86	4	1,170
109	945	41	9	93	1	1,089
110	3,387	108	35	398	12	3,940
111	1,552	43	25	226	3	1,849
112	1,623	48	21	214	11	1,917
113	1,741	86	11	231	8	2,077
132	1,440	53	14	178	5	1,690
TOTALS	36,379	1,301	465	4,613	133	42,891

D.C. BOARD OF ELECTIONS AND ETHICS

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 8

For Period Ending: August 31, 2003

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
<i>114</i>	2,099	100	45	301	29	2,574
<i>115</i>	1,633	49	36	277	2	1,997
<i>116</i>	2,498	100	44	358	12	3,012
<i>117</i>	798	34	19	119	1	971
<i>118</i>	1,691	83	41	259	2	2,076
<i>119</i>	2,007	107	43	274	5	2,436
<i>120</i>	1,494	70	29	224	7	1,824
<i>121</i>	2,469	101	46	347	9	2,972
<i>122</i>	1,173	40	19	153	2	1,387
<i>123</i>	1,754	168	38	301	4	2,265
<i>124</i>	1,825	55	27	241	4	2,152
<i>125</i>	2,651	96	48	376	5	3,176
<i>126</i>	2,276	81	31	331	11	2,730
<i>133</i>	1,114	48	9	136	8	1,315
<i>134</i>	1,377	50	22	197	4	1,650
<i>140</i>	1,510	55	27	229	14	1,835
TOTALS	28,369	1,237	524	4,123	119	34,372

EXECUTIVE OFFICE OF THE MAYOR
DC COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PUBLIC NOTICE

NOTICE OF FUNDING AVAILABILITY

DISTRICT OF COLUMBIA
COMMISSION ON NATIONAL AND COMMUNITY SERVICE

Engaging Youth in "Exploring the Past, Present and Future of their Neighborhoods"

K-12 Learn and Serve America Community- and School-Based Grants

Summary: The DC Commission on National and Community Service announces the availability of K-12 Learn and Serve Community and School-Based grant funds for fiscal year 2004 to eligible organizations to support high-quality service-learning projects. Learn and Serve America creates opportunities for youth to serve and help their communities through volunteerism. Proposed projects will allow youth an opportunity to explore the past, present and future of their neighborhoods while serving their communities. Applicants will be encouraged to develop service-learning programs that give youth an opportunity to canvass and map their own communities; research the histories of their neighborhoods; identify community assets and needs in order to develop service learning projects; and find the people, organizations and systems that make their communities stronger such as city council members and various government offices.

Criteria for eligible applicants: Eligible applicants are local nonprofits, community and faith-based organizations and local units of government that may provide after-school programming in collaboration with local schools for Community-Based projects; and K-12 public and public charter schools, private/independent schools and community and faith based organizations that may provide after-school programming in collaboration with local schools for School-Based projects. All projects must operate a program within the District of Columbia.

An organization described in Section 501 (c) (4) of the Internal Revenue Code, 26 U.S.C. 501 (c) (4), that engages in lobbying activities is not eligible to apply, serve as a host site for members, or act in any type of supervisory role in the program. **Individuals are not eligible to apply.**

All eligible applicants must meet all of the applicable requirements contained in the application guidelines and instructions. The Request for Application (RFA) will be released on November 3, 2003 at 9:00 a.m. The deadline for submission is January 5th, 2004 at 5:00 pm.

Technical assistance sessions schedule is as follows: November 18, 2003 and November 25, 2003. All interested applicants must register and attend the technical assistance

session. Please call Cliffie Bailey at 202-727-7925 to RSVP for a training session. Technical Assistance sessions will be posted on our website at www.cnscs.dc.gov.

The DC Commission on National and Community Service anticipates awarding grants up to \$12,000 for School-Based grants and up to \$20,000 for Community-Based grants. The actual number and dollar amount of the awards will depend on the number of approved applications received.

Applications can be obtained from 441 4th Street NW, Suite 1040S, Washington, DC 20001 or our website at www.cnscs.dc.gov. For additional information please call Renetta Boyd, Director of National Service Programs, at 202/727-7937.

D.C. Preparatory Academy
P.O. Box 11513
Washington, D.C. 20008

NOTICE: REQUEST FOR PROVIDING FOOD HANDLING SERVICES

D.C. Preparatory Academy, in accordance with section 2204(c)(XV)(A) of the District of Columbia School Reform Act of 1995, is soliciting quotes to provide food handling services for breakfast and lunch. Interested organizations should contact Emily Lawson, Executive Director, at 202-882-2800 for more details about program requirements. Final proposals will be due by 5pm on October 24, 2003.

NOTICE: REQUEST FOR PROVIDING CUSTODIAL SERVICES

D.C. Preparatory Academy, in accordance with section 2204(c)(XV)(A) of the District of Columbia School Reform Act of 1995, is soliciting quotes to provide custodial services. Interested organizations should contact Emily Lawson, Executive Director, at 202-882-2800 for more details about program requirements. Final proposals will be due by 5pm on October 24, 2003.

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF PUBLIC INTERESTCERTIFICATION OF WINNER OF THE ELECTION
TO SERVE AS THE RETIRED MEMBER OF THE
FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA

The District of Columbia Retirement Reform Act (Pub. L. 96-122), effective November 17, 1979, at section 121(b)(2), (D.C. Official Code § 1-711(b)(2)) requires the District of Columbia Retirement Board ("Board") to conduct an election for one retired member or officer of the Fire Department of the District of Columbia, among others, to be elected by the retired members and officers of the Fire Department (D.C. Official Code § 1-711(b)(1)(A)(iv)). In accordance with the Rules of Election of Members of the D.C. Retirement Board as promulgated by the Board, 30 DCR 4333-4345, as amended ("Election Rules"), the Board, through the American Arbitration Association (AAA) conducted the required election for a full term on the Board commencing January 27, 2004.

At the designated time and place for submission of the required statements of candidacy, the AAA received only one candidate nomination. The statement of candidacy was valid and the nominee was determined to be an eligible candidate.

As named fiduciaries to the participants and beneficiaries of the Police Officers and Fire Fighters' Retirement Fund, the Board is subject to certain affirmative duties including an implied obligation to defray reasonable costs of plan administration. Accordingly, at its meeting on September 25, 2003, the Board determined that the cost of conducting full balloting for this election would not be a prudent expenditure given that the balloting could have only one valid outcome under the relevant provisions of the Election Rules. Since the only possible election winner could be the one nominated and eligible candidate, the Board voted unanimously at its meeting on September 25, 2003, to certify the results of the election and declare the winner to be Michael J. McNally.

Pursuant to section 408.4 of the Election Rules, any qualified candidate for the election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed at the Board's executive office located at 1400 L Street, N.W., Suite 300, Washington, D.C. 20005. In the absence of a request for a recount, the election results will become final and not subject to further appeal thirty (30) days after this official certification by the Board.

Please address any questions regarding this notice to:

Mary A. Collins, Chairman of the Board
Attn: Betty Ann Kane, Executive Director
D.C. Retirement Board
1400 L Street, N.W., Suite 300
Washington, D.C. 20005

Office of the Secretary of the
District of Columbia

October 15, 2003

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after November 15, 2003.

Agee, Ann D.	Rpt	Gore Reporting 1050 17 th St,NW#600 20036
Ammerman, Harris S.	Rpt	Ammerman & Goldberg 1115 Mass Ave,NW 20005
Arnold, Jennifer S.	New	AmerUniv/General Counsel 3201 N Mex Ave,NW 20016
Blau, Hedy D.	Rpt	Olender Reporting 1522 K St,NW#720 20005
Briscoe, Sherrell G.	New	4201CathedralAve,NW#1022W 20016
Broadus, Diane E.	New	711 Gallatin St,NE 20016
Brown, Cassandra M.	Rpt	Amer Inst/Architects 1735 N Y Ave,NW 20006
Conley, Patricia C. B.	New	Bank of America 730 15 th St,NW2ndFl 20005
Curry, Gwendolyn	New	H U D 451 7 th St,SW#10110 20410
Davis, Varnetta H.	Rpt	Weil Gotshal Manges 1501 K St,NW#100 20006
Edwards, Mason	New	Heritage Reporting 1220 L St,NW#600 20005

Esper, William J.	New	AmerUniv/General Counsel 3201 N Mex Ave,NW 20016
Evans, Gail E.	Rpt	Natl Railway Labor Conf 1901 L St,NW#500 20036
Foster, Tejauna	New	Agriculture F C U 14 th & Indep Ave,SW 20250
Fozard, Colette H.	New	Thompson Coburn 1909 K St,NW#600 20006
Fulk, Keith W.	Rpt	FolgerNolanFlemingDouglas 725 15 th St,NW 20005
Garland, Stephen K.	New	Miller Reporting 735 8 th St,SE 20003
Griffin, Juanita	New	Weston Solutions 1001 Conn Ave,NW#1200 20036
Harley-Winston, Nancy	Rpt	DOJ/Marshalls Service SuperiorCt RmC-250 20001
Hazelwood, Carol A.	New	Collins Elevator Services 800 Hamlin St,NE 20017
Herboso, Bernadette O.	New	Heritage Reporting 1220 L St,NW#600 20005
Hooper, Marie T.	New	Lupus Foundation/America 2000 L St,NW#710 20036
Jackson, Mary W.	Rpt	Wachovia Bank 1700 Pa Ave,NW 20006
Kieffer, Elliott	New	Pennie & Edmonds 1667 K St,NW10thFl 20006
Lara, Karla	New	Kriegsfeld Corporation 4301 Conn Ave,NW#132 20008

Long, Carlisa V.	New	DHS/General Counsel Office 2700 MLK Jr. Ave, SE 20032
Lufadeju, Folu	New	Chasen & Chasen 5225 Wisc Ave, NW 20015
McEnaney, Kimberly	New	Charter Financial Group 1101 14 th St, NW #1010 20005
McGuinness, Nichole	New	Sidley Austin Brown Wood 1501 K St, NW 20005
McMenamin, Shannon	New	Convad Communications 600 14 th St, NW #750 20005
Mills, Grace P.	Rpt	4800 Eastern Ave, NE 20017
Mindzak, Carol A.	New	Zuckerman Spaeder 1201 Conn Ave, NW 6th Fl 20036
Miskell, Renee C.	New	Heritage Reporting 1220 L St, NW #600 20005
Mollish, Christina	New	Newmark of Washington DC 1341 Conn Ave, NW 20036
Moore, Carla	New	Amer Univ of Rome 1025 Conn Ave, NW #601 20036
Mutafchieva, Ventsislava	New	Holiday Inn on the Hill 415 N J Ave, NW 20001
Owens, Kari	New	Homeland Security 950 H St, NW #6000 20223
Parker, Nathaniel A.	Rpt	King & Spalding 1730 Pa Ave, NW 11th Fl 20006
Peters, Victoria B.	New	Patton Boggs 2550 M St, NW 20037

Riveros, Mary Edith	New	Apple Fed Credit Union 3400 Internatl Dr,NW20008
Schneider, Leslie L.	Rpt	Derenberger&PageReporting 1430 S St,NW 20009
Singleton, Harry M.	New	Attorney at Law 2121 K St,NW#800 20037
Stevens, Karla D.	New	Home Again Initiative 441 4 th St,NW#1140N 20001
Tiller, Linda L.	New	Navy/BUMED 2300 E St,NW#5101 20372
Trammell-Ellis, Evie	Rpt	1624 Q St,SE 20020
VanDuzer, Deanna	New	Koonz McKenney Johnson... 2020 K St,NW#500 20006
Wahl, Catherine	New	Charapp Deese Weiss 1901 Pa Ave,NW#1001 20006
Wilkins, Michon D.	Rpt	Prudential Relocation 1325 G St,NW#600 20005
Wills, Anissa L.	New	Marriott International 999 9 th St,NW 20001

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 16983 of Richard Nappi, pursuant to 11 DCMR § 3103.2, for a variance from the minimum lot area requirements under subsection 401.3, and a variance from the off-street parking requirements under § 2101, to allow the conversion of two contiguous row dwellings into a single 7 unit apartment building in the R-4 District at premises 505 and 507 O Street, N.W. (Square 479, Lots 36 & 37)

HEARING DATES: March 11, 2003

DECISION DATES: April 1, 2003, April 8, 2003

DECISION AND ORDER

The applicant¹ (Applicant), Blue Sky Housing O Street, L.L.C., (Blue Sky), self-certified its need for variance relief from the Board of Zoning Adjustment (Board). It requests variance relief from the minimum lot area requirements of § 401.3 and the off-street parking requirements of § 2101.1 of Title 11 of the District of Columbia Municipal Regulations (DCMR). For the reasons stated below, the Board denies the variance under § 401.3 and grants the variance under § 2101.1.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated January 13, 2003, the Office of Zoning (OZ) notified the Council Member for Ward 2, Advisory Neighborhood Commission (ANC) 2C, the ANC member for Single Member District 2C02, the District of Columbia Department of Transportation (DDOT) and the District of Columbia Office of Planning (OP), of the filing of the application. Pursuant to 11 DCMR § 3113.13, OZ published notice of the hearing on the application in the District of Columbia Register and on January 16, 2003, mailed notices to the ANC, the Applicant, and to all owners of property within 200 feet of the subject property, advising them of the date of the hearing. Further, Applicant's affidavit of posting indicates that on February 24, 2003, it posted two zoning posters on the subject property, one on 505 O Street, N.W. (Lot 36), and one on 507 O Street, N.W. (Lot 37), in plain view of the public.

Requests for Party Status. There were no requests for party status.

¹The original applicant in this case was Richard Nappi, the owner of the subject property on October 28, 2002, the date on which the application was filed with the Office of Zoning. On January 24, 2003, Mr. Nappi sold the property to a developer, Blue Sky Housing O Street, L.L.C., which plans to develop the property with condominium units. Therefore, although the original application is that of Richard Nappi, Blue Sky Housing assumed all the rights and responsibilities attendant to the application and all references herein to the owner of the property or to the "Applicant" signify Blue Sky Housing O Street, L.L.C.

Board of Zoning Adjustment Case No. 16983

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Applicant's Case. Mr. Earle Horton, III, the managing member of Blue Sky, and also its attorney, put on the Applicant's case. He testified that the property is unique in that the two historic row houses that currently occupy the subject property are in decrepit condition and need much repair and rehabilitation. He stated that the desire of the Applicant and the neighborhood to retain as much of the row houses' original structures as possible meant a greatly increased cost of construction. According to the Applicant, this cost of construction constitutes the Applicant's practical difficulty because it renders the project economically infeasible if the Applicant is kept to a matter-of-right 4 units (5 units with lot consolidation). With 7 units, however, Mr. Horton testified that the project becomes feasible, even with the greater cost associated with retention of parts of the original structures. Mr. Horton further testified that the project met the third variance test of no detriment to the public good or to the zone plan and map because it is rehabilitating and putting to use abandoned, deteriorated row houses.

Concerning parking, Mr. Horton testified that the rear of the property does not abut an alley and that there is ample local on-street parking. He also said that the Applicant was seeking available parking spaces in the neighborhood in order to enable each condominium unit to have one designated parking space. He did not elaborate, however, as the Board's Chairperson, speaking for the Board, indicated that the Applicant could stand on the record concerning the parking variance relief requested.

The project's architect, Mr. James Killete, also testified on behalf of the project and explained that, along with the 5 matter-of-right units of approximately 1000-square-feet each, the variance relief would make possible two extra units of approximately 900 square feet each.

Government Reports. The Office of Planning submitted a report to the Board dated March 4, 2003. OP recommended that the Board grant variance relief from parking requirements if the lot area variance relief were granted, but also stated that it could not recommend the granting of the lot area relief, and that it was awaiting further information from the Applicant. In its report, OP states that exceptional conditions exist on the property and that the granting of the area variance would be consistent with the Comprehensive Plan for the National Capital (Comprehensive Plan), but also states that the Applicant failed to demonstrate practical difficulty. OP finds that the granting of the lot area variance, absent demonstration of practical difficulty, would be contrary to the intent of the zoning regulations and the zone plan.

After reviewing the Applicant's Supplemental Response, which attempted to clarify and delineate the Applicant's practical difficulty, OP prepared a Supplemental Report dated March 25, 2003. In its Supplemental Report, OP, after recounting several shortcomings in the Applicant's proof, nevertheless concludes that the requested zoning relief is

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necessary "to make the project viable." *See*, OP Supplemental Report, at 2. OP therefore recommends that the Board grant both the lot area and the parking variances.

The District of Columbia Department of Transportation (DDOT) submitted a report to the Board dated March 4, 2003. DDOT had no objection to the application, noting that on-street parking is available and that the site is well-served by public transportation, with several major bus lines traversing nearby streets and a metro station 3 blocks away.

ANC Report. By letter dated February 28, 2003, ANC 2C indicated that at a November 6, 2002 meeting, at which a quorum was present, it voted unanimously to support the application. The letter notes that the two row houses appear to be almost unsalvageable and that the Applicant proposes to rehabilitate them, making them consistent with other row houses in the area.

Parties and Persons in Support. There were no parties or persons in support.

Parties and Persons in Opposition. There were no parties or persons in opposition.

Hearing. The public hearing on the application was held and completed on March 11, 2003, however the Board requested further information from the Applicant, and the record was held open until March 26, 2003, pending receipt of this information.

Decision Meeting. The Board held a public decision meeting on April 1, 2003. At the meeting, only 3 Board members were present, and no majority could be mustered for either approval or denial of the application. Therefore, consideration of this application was postponed until April 8, 2003, when a fourth Board member would be present and voting. On April 8th, the Board voted 1-3-1 to deny the lot area variance, and 4-0-1 to grant the parking variance. (At neither decision meeting was a fifth member present, as the Board was awaiting the appointment of this member.)

FINDINGS OF FACT

The Subject Property

1. The subject property is located at 505 and 507 O Street, N.W. and is comprised of Lots 36 and 37 in Square 479. Square 479 is located in an R-4 zone district in the Shaw neighborhood of Northwest Washington, D.C. It is bounded to the south by O Street, N.W., to the north, by P Street, N.W., to the east, by 5th Street, N.W., and to the west, by 6th Street, N.W.
2. The primary purpose of the R-4 zone district is the stabilization of remaining single-family dwellings. 11 DCMR § 330.2. To this end, the R-4 district is not to be an apartment house district. 11 DCMR § 330.3. The only multiple-family dwellings permitted (other than flats, which are limited to two families) are

- conversions of pre-1958 structures and these conversions are controlled by a minimum lot area per family requirement. 11 DCMR §§ 330.5 and 401.3.
3. The subject site is designated on the Comprehensive Plan's Generalized Land Use Map as Moderate Density Residential.
 4. The subject property has not been designated a historic landmark, nor is it located in a historic district.
 5. Lots 36 and 37 are 2 of 3 lots which front on the north side of the 500 block of O Street, N.W. Lot 36 is adjacent to the east of Lot 37. Each lot comprises 2282.50 square feet and is 20.75 feet wide and 110 feet deep. Together, the lots comprise 4565 square feet. Neither lot has an unusual shape, slope, or other topographical feature.
 6. Lot 36 is improved with a vacant 2-story-plus-basement row dwelling, which is generally 76 feet deep and 17.75 feet wide at the front, tapering to 12 feet wide at the back. The Lot 36 row dwelling has a non-conforming 3-foot-wide side yard to its east. *See*, 11 DCMR § 405. On its west side, between it and the Lot 37 row dwelling, it has a non-conforming court, which ranges from 3 to 7 feet wide. *See*, 11 DCMR § 406.1.
 7. Lot 37 is also improved with a vacant 2-story-plus-basement row dwelling, generally 63 feet deep, 20.75 feet wide at the front and 17 feet wide at the back. This row dwelling does not have a side yard on either side because the front of the building fills the entire width of the lot, and a yard must run the entire depth of the dwelling. *See*, 11 DCMR § 199.1, definition of "Yard, Side." The Lot 37 row house, however, has a non-conforming 4-foot wide court on its west side. *See*, 11 DCMR § 406.
 8. Immediately to the west of the Lot 37 row dwelling is another row dwelling which shares a party wall with the Lot 37 structure for part of its depth. Immediately to the east of the Lot 36 side yard are the rear yards of several row houses fronting on 5th Street, N.W.
 9. Both the Lot 36 and the Lot 37 row dwellings are pre-1958 shells with significant portions of roofs, structural members, partitions and other building fabric missing. They have no interior fittings. The structural integrity of the roof and interior elements of Lot 36's row house has been compromised and the only salvageable portions of Lot 37's row house are the front and side walls.

The Proposed Development and the Lot Area Variance

10. The Applicant proposes to develop the subject property with a project of approximately 7,000 square feet, housing 7 new condominium units -- 3 on Lot 36 and 4 on Lot 37. Section 401.3 requires, in an R-4 zone, a minimum lot area of 900 square feet per unit in a conversion of a pre-1958 building to an apartment house. In order to construct the proposed project without variance relief, the area of Lot 36 would have to be 2,700 square feet and the area of Lot 37 would have to be 3,600 square feet. Lots 36 and 37 each have an area of 2282.50 square feet.

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- The Applicant therefore requires a variance of approximately 15% for Lot 36 and a variance of approximately 36% for Lot 37.
11. The Applicant proposes to retain, restore and rehabilitate as much of the two vacant row dwellings as can be salvaged, including retaining and repairing the facades.
 12. The proposed new construction will incorporate all salvaged portions of the two decrepit row houses and will retain the original footprints of the old row houses.
 13. Restoring, rather than razing, the salvageable portions of the row houses enables the Applicant to construct an apartment house, as opposed to a single-family dwelling or a flat. *See*, 11 DCMR § 330.5.
 14. The Applicant has several immediate matter-of-right options. It can raze the existing dilapidated row houses and construct 2 new ones, a new flat, or a new detached single-family dwelling. It can restore the two subject row dwellings and construct two single-family row dwellings or a flat. *See*, 11 DCMR § 330. Also, because each lot has an area of 2282.50 square feet, the Applicant can convert the row dwellings into 2 individual units on each lot, with one unit being constructed for each 900 square feet of land area. *See*, 11 DCMR § 401.3.
 15. If the lots are consolidated, creating one lot with an area of 4,565 square feet, the Applicant has another matter-of-right option. It can construct 5 units, with one unit being constructed for each 900 square feet of land area. *Id.*
 16. The Applicant paid approximately \$400,000 for the subject property.
 17. The Applicant's cost of construction would be approximately \$250,000 less if it razed the two subject row dwellings and engaged in entirely new construction.
 18. The Applicant claims as its sole practical difficulty that no matter-of-right construction on the subject property incorporating rehabilitated portions of the existing structures is economically feasible.
 19. The Applicant made no showing of whether matter-of-right construction incorporating rehabilitated portions of the existing row dwellings would be possible if changes were made in the construction, design or interior fittings of the new building.

Parking Variance

20. The Applicant is required to provide one off-street parking space for each 3 dwelling units. 11 DCMR § 2101.1.
21. There is no rear alley behind Lots 36 and 37, therefore their sole street access is their frontage on O Street, N.W.
22. Unrestricted on-street parking is available along the 500 block of O Street, N.W. and along 5th Street, N.W. near the subject property.
23. Two-hour RPP restricted parking is available on 6th Street, N.W. between 7:00 a.m. and 8:30 p.m.

24. The subject property is approximately 3 blocks from the Mt. Vernon Square -- Convention Center Metro Station and several major bus lines traverse 6th and 7th Streets, N.W. and New York Avenue, N.W., in close proximity to the property.

CONCLUSIONS OF LAW

Lot Area Variance

The Board is authorized to grant a variance from the strict application of the zoning regulations in order to relieve difficulties or hardship where "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition" of the property, the strict application of any zoning regulation "would result in particular and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property..." D.C. Official Code § 6-641.07(g)(3), 11 DCMR § 3103.2. Relief can be granted only "without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." *Id.* An applicant for an area variance must make the lesser showing of "practical difficulties," as opposed to the more difficult showing of "undue hardship," which applies in use variance cases. *Palmer v. D. C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). The Applicant in this case, therefore, had to make three showings: uniqueness of the property, that such uniqueness results in "practical difficulties" to the Applicant, and that the granting of the variance will not impair the public good or the intent and integrity of the zone plan and regulations.

The Applicant claims that Lots 36 and 37 are small and therefore unique. The lots, however, are not particularly small or narrow. In fact, although they contain very old structures and so, were created long before the 1958 adoption of the zoning regulations, they are not non-conforming as to lot width or lot area. The minimum lot area in an R-4 zone for a row dwelling or flat is 1,800 square feet. 11 DCMR § 401.3. Both Lots 36 and 37 are 2282.50 square feet in area. The minimum lot width in an R-4 zone for a row dwelling or flat is 18 feet. *Id.* Both Lots 36 and 37 are 20.75 feet wide.

Although the two lots are not unique due to their size, uniqueness analysis is not limited to the physical qualities of the land itself. It also includes qualities of the buildings on the property. *See, e.g., Capitol Hill Restoration Society v. Board of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987). ("A condition inherent in the structures built upon the land, rather than in the land itself, may also serve to satisfy an applicant's burden of demonstrating uniqueness.") Even so, it is not clear to the Board that the poor condition of the two subject row dwellings makes them unique. In fact, the row house attached to the western wall of the Lot 37 row dwelling appears to be in rather poor condition itself. Instead, the cost of the subject property, including the dilapidated shells, and the resultant rehabilitation and construction costs, are market-driven. Such market forces affect the entire neighborhood, not only the Applicant's lots, and therefore do not make those lots unique.

The Board also fails to see how Applicant's claimed practical difficulty results from the lots, whether unique or not. The Applicant asserts that the construction of either 5 units at 1,420 square feet each or 5 units at 1,050 square feet each results in a negative rate of return. According to the Applicant, it can only garner a positive rate of return with 7 units -- the scenario posited by the Applicant is 5 units of 1,100 square feet each and 2 units of 800 square feet each. *See*, Report of S. Patz Associates, Inc., attached to Applicant's Supplemental Response, filed with the Board on March 25, 2003. This alleged result, however, appears again to be due to market forces rather than any condition of the subject property. Further, Applicant's sole claim of practical difficulty is the added expense arising out of its desire to save portions of these eroded shells, yet the Applicant is not constrained to retain the shells. In order to erase its practical difficulty, the Applicant has but to raze the shells and build anew -- a scenario that by Applicant's own admission would be less costly. *See*, Transcript of Hearing, March 11, 2003, at 18-21.

This latter scenario would, however, also prevent the Applicant from building a multiple dwelling. The only way the Applicant can build a building with multiple units is if it retains the shells. In the R-4 district, the only multiple dwellings permitted are conversions of pre-1958 structures. 11 DCMR § 330.5(c). Therefore, in order to construct a multiple dwelling, the Applicant must retain the pre-1958 shells. Under this set of circumstances, the thing that is allegedly causing Applicant's practical difficulty -- the retention of the shells -- is also, in the first instance, allowing it to use the land in its allegedly most profitable manner -- for a multiple dwelling. The Applicant has chosen to keep the shells in order to make a more profitable use of the land, *i.e.*, a multiple dwelling. It cannot now be heard to complain that keeping the shells constitutes its practical difficulty, in essence, that it cannot afford the choice it has made, and so must be granted variance relief.

The situation might be different if the Applicant were not permitted to raze the structures, for example, due to historic preservation constraints. The Applicant is not, however, acting under any such constraints and therefore, has, in effect, created its own practical difficulty. It is unclear whether the concept of "self-created practical difficulties" is recognized in the context of area variances, as "self-created hardship" is recognized in the context of use variances.² It is clear, however, that this case is one where the Applicant is not deprived of the use of its land, but is merely seeking to garner a greater profit from the land. The Applicant has feasible alternative uses for the subject property and the Board is without power to grant a variance in order to guarantee it a greater profit. *See*,

² *See*, *Russell v. Board of Zoning Adjustment*, 402 A.2d 1231, 1236, n.7 (D.C. 1979), and cases cited therein. *But see*, *De Azcarate v. Board of Zoning Adjustment*, 388 A.2d 1233, 1239 (D.C. 1978). In *De Azcarate*, the Court appears to agree with the Board that self-created hardship applies only to use variances. It ends its decision, however, by commenting that "the doctrine of self-created hardship, whatever its validity in this jurisdiction to area variances, is inapplicable on the facts of the present dispute." (Emphasis added.)

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e.g., *Tyler v. Board of Zoning Adjustment*, 606 A.2d 1362, 1366-1368 (D.C. 1992); *Gilmartin v. Board of Zoning Adjustment*, 579 A.2d 1164, 1170-1171 (D.C. 1990).

There is no bright line test as to when an applicant's economic burden is sufficient to constitute practical difficulty. That determination is left to the Board, based on the evidence before it. *See, Tyler*, at 1366-1368; *Gilmartin*, at 1171. Based on the evidence herein, the Board is not convinced that, even while retaining portions of the run-down row dwellings, the Applicant cannot make a beneficial and profitable use of its land within the strictures of the zoning regulations. Therefore, the Board concludes that the Applicant failed to show sufficient economic burden to justify a finding of practical difficulty.

Having found no extraordinary or exceptional situation or condition or any practical difficulty, the Board does not need to reach the third variance test of no detriment to the public good or to the zone plan or regulations.

Parking Variance

Pursuant to 11 DCMR § 2101.1, the Applicant would have to provide one off-street parking space for each 3 dwelling units. The Board interprets this to mean that with either 4 or 5 units, the Applicant would have to provide 2 off-street parking spaces. The Board finds, that, under the facts of this case, the virtual impossibility of doing this makes Lots 36 and 37 unique and constitutes a practical difficulty. The decrepit shells of the two row houses have, essentially, no front yard, and even if the Applicant razed the shells and set back new construction, he would not be able to put parking spaces in the front yards. Section 2116.2 mandates that on-site parking spaces be located in garages, carports, side yards or rear yards. The Applicant cannot put parking spaces in the rear yards here, because there is no alley or street access to the backs of the lots. The rear yards of the two shells are surrounded by the rear or side yards of neighboring dwellings. There is no reasonable way to put parking spaces on these lots.

The lack of on-site parking spaces for Lots 36 and 37 will not have a detrimental effect on the surrounding community, nor on the zone plan or regulations. DDOT points out in its report that there is unrestricted on-street parking along the 500 block of O Street, N.W. and along 5th Street, N.W., as well as 2-hour RPP restricted parking on 6th Street, N.W., between 7:00 a.m. and 8:30 p.m. The site is also well served by mass transit, with several nearby bus lines and a metro station 3 blocks away. DDOT concludes that the Applicant's proposed construction will have a slight impact on the local on-street parking conditions, but will not cause any objectionable traffic conditions or a large increase in traffic volume in the neighboring streets. The Board agrees with DDOT's conclusions.

OP and ANC Great Weight

Board of Zoning Adjustment Case No. 16983

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The Board, as required, accorded great weight to both OP's and the ANC's recommendations. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). The Board notes that OP, finally, but somewhat reluctantly, recommended granting the lot area variance based on the Applicant's Supplemental Response. *See*, OP Supplemental Report, at 2. ("OP does not feel that the applicant firmly establishes these linkages," *i.e.*, the linkages between construction costs and desired facade preservation rather than all new construction.) The Board does not find the Supplemental Response similarly persuasive and therefore, cannot agree with OP's recommendation. The Board agrees with OP's and the ANC's recommendations concerning the parking variance, but finds the ANC's recommendation with regard to the lot area variance unpersuasive when weighed against the evidence in the record and the applicable legal principles.

Based on the record before the Board and for the reasons stated above, the Board concludes that the Applicant has failed to satisfy the burden of proof with respect to the application for a variance from the minimum lot area requirements under subsection 401.3, but that the Applicant has met its burden of proof with respect to the application for a variance from the off-street parking requirements under § 2101. It is therefore **ORDERED** that the application be partially **DENIED, WITH RESPECT TO THE VARIANCE FROM THE MINIMUM LOT AREA REQUIREMENTS**, and partially **GRANTED, WITH RESPECT TO THE VARIANCE FROM OFF-STREET PARKING REQUIREMENTS**.

VOTE (as to**lot area variance):****1-3-1**

(Geoffrey H. Griffis, Carol J. Mitten, and David A. Zaidain, to deny; Curtis L. Etherly, Jr., to grant; the fifth member not present, not voting.)

VOTE (as to**parking variance):****4-0-1**

(Geoffrey H. Griffis, Carol J. Mitten, David A. Zaidain, Curtis L. Etherly, Jr., to grant; the fifth member not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each voting Board member has approved the issuance of this Order denying in part, and granting in part, this application.

FINAL DATE OF ORDER: OCT 10 2003

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17012 of Jemal's Benjo LLC, pursuant to 11 DCMR § 3103.2, for a variance from the building height provisions under section 770, a variance from the floor area ratio requirements under section 771, a variance from the residential recreation space requirements under section 773, and a variance from the rear yard requirements under section 774, to permit the renovation of historic buildings for mixed-use (retail, office and residential) in the C-2-A District at premises 1301-1309 9th Street, N.W. (Square 399, Lots 62, 63, 800, 801, 803 and 804).

HEARING DATE: May 20, 2003

DECISION DATE: June 3, 2003, August 5, 2003, October 7, 2003

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2C. ANC 2C submitted a letter in support of the application. The OP submitted a report recommending conditional approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 770, 771, 773, and 774, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent,

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purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED** with the following **CONDITION**:

The overall floor area ratio (FAR) shall not exceed 3.7, of which the non-residential FAR shall not exceed 2.07.

VOTE: 3-1-1 (Geoffrey H. Griffis, Ruthanne G. Miller, and Curtis L. Etherly, Jr. to approve, Carol J. Mitten opposed to the motion, David A. Zaidain not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: OCT 10 2003

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR

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STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17035 of Howard University Hospital, pursuant to 11 DCMR § 3103.2, for a variance from the lot area requirements under subsection 401.3, to allow the conversion of a vacant building (formerly a clinic) to an eleven (11) unit apartment house in the R-4 District at premises 915 Rhode Island Avenue, N.W. (Square 364, Lot 839).

HEARING DATE: July 8, 2003, July 29, 2003

DECISION DATE: September 9, 2003, October 7, 2003

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2C. ANC 2C submitted a letter in support of the application. The ANC letter did not meet the test for great weight under subsection 3115. The OP submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 401.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **4-0-1** (John G. Parsons, Ruthanne G. Miller, Geoffrey H. Griffis, Curtis L. Etherly, Jr., to approve, David A. Zaidain not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: OCT 10 2003

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE,

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COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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